

7-8 EDWARD VII.

SESSIONAL PAPER No 74g

A. 1908

REPORT

BY

W. L. MACKENZIE KING, C.M.G.

DEPUTY MINISTER OF LABOUR

COMMISSIONER

APPOINTED TO INVESTIGATE INTO THE

LOSSES SUSTAINED BY THE JAPANESE POPULATION OF VANCOUVER, B.C.

ON THE OCCASION OF THE RIOTS IN THAT CITY
IN SEPTEMBER, 1907

PRINTED BY ORDER OF PARLIAMENT

VANCOUVER CITY COLLEGE

LANGARA

100 West 49th Avenue, Vancouver 15, B. C.



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OTTAWA

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EXCELLENT MAJESTY

1908

[No. 74g—1908.]

ROYAL COMMISSION.

Commissioner: W. L. MACKENZIE KING, C.M.G.,

Deputy Minister of Labour.

Counsel representing Japanese Claimants: HOWARD J. DUNCAN, Esq.

Interpreter: T. I. NAGAO.

Stenographer: FRANCIS W. GIDDENS,

Department of Labour.

To His Excellency the Right Honourable Sir Albert Henry George, Earl Grey, Viscount Howick, Baron Grey of Howick, in the County of Northumberland, in the Peerage of the United Kingdom, and a Baronet; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General and Commander in Chief of the Dominion of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

The undersigned has the honour to submit to Your Excellency the report of W. L. Mackenzie King, C.M.G., Deputy Minister of Labour, as Commissioner appointed to inquire into the losses and damages sustained by the Japanese population in the city of Vancouver in the province of British Columbia.

All of which is respectfully submitted.

(Sgd) RODOLPHE LEMIEUX,

Minister of Labour.

OTTAWA, June 26, 1908.

COMMISSION:

Appointing William Lyon Mackenzie King, C.M.G., M.A., LL.B., a Commissioner to inquire into the losses and damages sustained by the Japanese population in the city of Vancouver, in the province of British Columbia.

GREY. (Seal.) CANADA.

Edward the Seventh, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To all to whom these Presents shall come, or whom the same may in anywise concern. Greeting:

WHEREAS in and by an Order of our Governor General in Council bearing date the twelfth day of October in the year of Our Lord, one thousand nine hundred and seven (copy of which is hereto annexed) provision has been made for an inquiry by our Commissioner therein and hereinafter named, into the losses and damages sustained by the Japanese population in the city of Vancouver in the province of British Columbia on the occasion of the recent riots in the said city.

Now Know Ye, that by and with the advice of our Privy Council for Canada, we do by these presents, nominate, constitute and appoint William Lyon Mackenzie King, C.M.G., M.A., LL.B., of the city of Ottawa, in the province of Ontario, Deputy Minister of Labour, to be our Commissioner to conduct such inquiry.

To have, hold, exercise and enjoy the said office, place and trust unto the said William Lyon Mackenzie King, together with the rights, powers, privileges, and emoluments unto the said office, place, and trust of right and by law appertaining, during pleasure.

And We do Hereby, under the authority of Part I, of the Inquiries Act, Chapter 104, Revised Statutes, 1906, confer upon our said Commissioner, the power of summoning before him any witnesses and of requiring them to give evidence on oath, or on solemn affirmation, if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as our said Commissioner shall deem requisite to the full investigation of the matters into which he is hereby appointed to examine.

And We do Hereby require and direct our said Commissioner to report to our Governor General in Council the result of the investigation, together with the evidence taken before you, and any opinion you may see fit to express thereon.

In Testimony Whereof we have caused these our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed: Witness, Our Right Trusty and Right

7-8 EDWARD VII., A. 1908

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Well-beloved Cousin the Right Honourable Sir Albert Henry George, Earl Grey, Viscount Howick, Baron Grey of Howick, in the County of Northumberland, in the Peerage of the United Kingdom, and a Baronet, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, etc., etc., Governor General and Commander in Chief of our Dominion of Canada.

At our Government House, in our City of Ottawa, this twelfth day of October, in the year of Our Lord, one thousand nine hundred and seven, and in the seventh year of our Reign.

By Command,

(Signed) R. W. SCOTT,

Secretary of State.

(Signed) A. B. AYLESWORTH,
Attorney General,
Canada.

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REPORT OF W. L. MACKENZIE KING, C.M.G.,

Commissioner, appointed to inquire into the Losses and Damages sustained by the Japanese population in the city of Vancouver in the province of British Columbia, on the occasion of Riots in that city in September, 1907.

TO HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

I have the honour to submit the following report on the results of my investigation into the losses and damages sustained by the Japanese population in the city of Vancouver, B.C., occasioned by the anti-Asiatic riot of September, 1907, which investigation was undertaken in pursuance of the Royal Commission issued to me on the 14th day of October, 1907, a copy of which is annexed hereto.

The riot to which reference is made in the commission occurred in the foreign quarter of the city of Vancouver on Saturday, September 7, 1907, and was followed by considerable unrest among the Orientals of the city during the days immediately following. A claim on behalf of the Japanese residents of the city of Vancouver for losses incurred was presented on October 7, to the Dominion government, on behalf of the government of Japan, through Mr. T. Nosse, His Imperial Japanese Majesty's Consul General, resident at Ottawa. The losses were estimated at a sum amounting to \$13,519.45, of which \$2,405.70 was claimed for actual damage to property, and \$11,113.75 as resultant or consequential damages.

Having received with my commission copies of the correspondence between Mr. Nosse and the Canadian government in reference to this matter, I immediately called upon Mr. Nosse and informed him of my appointment. I arranged for the insertion of a public notice in the Japanese papers of Vancouver, informing the Japanese residents of that city of the investigation to be held, and requesting parties who desired to present claims to appear on certain specified days. The insertion of this notice, which appeared in the Japanese papers on the following day, was arranged by telegram through the good offices of Mr. Nosse and Mr. K. Morikawa, His Imperial Japanese Majesty's Consul, resident at Vancouver. I left Ottawa on October 14 and arrived in Vancouver on Sunday, the 20th. On Monday, the 21st instant, I caused the following notice to be inserted in the local newspapers in the city of Vancouver:—

‘PUBLIC NOTICE.

‘The undersigned, appointed Commissioner under the Inquiries Act, Chapter 104, Revised Statutes, to conduct an inquiry into the losses and damages sustained by the Japanese population in Vancouver, on the occasion of the recent riots in this city, hereby notifies all parties having claims to present, that he will be at Pender Hall, Pender street, between the hours of 10.30 a.m. and 4.30 p.m., on Tuesday, Wednesday and Thursday, the 22nd, 23rd and 24th instant respectively, to receive such claims; also that no claim

SESSIONAL PAPER No. 74g

will be entitled to consideration which is not presented within the time herein specified. The examination and taking of evidence in respect of said claims will be commenced forthwith, and the undersigned will be prepared to hear the representations of any parties desiring to appear or be heard before the commission in respect of any or all of the said claims.

(Sgd). W. L. MACKENZIE KING,

'Commissioner.'

Dated at Vancouver, October 21, 1907.

On the same day I sent the following communication to Mr. George Cowan, K.C., solicitor for the city of Vancouver:—

'VANCOUVER, B.C., October 21, 1907.

'Sir,—I beg to inform you that having come to Vancouver as Commissioner appointed under the Inquiries Act, Chapter 104, Revised Statutes, to conduct an inquiry into the losses and damages sustained by the Japanese population on the occasion of the recent riots in this city, I am giving public notice to all parties having claims to present that I will be in Pender Hall, Pender street, between the hours of 10.30 a.m. and 4.30 p.m. on Tuesday, Wednesday and Thursday, the 22nd, 23rd and 24th instant, respectively, to hear and receive such claims; also, that no claim will be entitled to consideration which is not presented within the time herein specified. Also, that the examination and taking of evidence in respect of said claims will be commenced forthwith, and that any parties will have a right to appear, who may desire to be heard before the Commission in respect of any or all of the said claims.

I have the honour to be, sir,

Your obedient servant,

(Sgd.) W. L. MACKENZIE KING,

Commissioner.

GEO. COWAN, ESQ.,

Solicitor for City of Vancouver,
Vancouver, B.C.'

The sittings of the Commission were held at Pender Hall, Pender street, the first sitting being on the morning of Tuesday, October 22. From that day sittings were held continuously as follows: October 23, 24, 25, 26, 30 and 31, and November 1, 2, 4 and 5, both morning and afternoon sessions being held on most of the days mentioned. Mr. Howard J. Duncan appeared as counsel for the Japanese government. The Dominion government not being represented by counsel, the examination in chief of the several claimants and witnesses was conducted by myself as Commissioner. Mr. Duncan presented the several claims and assisted in the examination of witnesses. Mr. Cowan, city solicitor, was present at the opening of the inquiry, but stated that as the purpose of the investigation was to assess damages and not to determine the question of liability as to their payment, he had been instructed by the city not to appear. Mr. Morikawa, His Imperial Japanese Majesty's Consul, was present through-

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SESSIONAL PAPER No. 74g

out the inquiry, but with the exception of making a statement before the Commission in reference to the claims presented took no part in the proceedings. Mr. F. W. Giddens, of the Department of Labour, acted as stenographer, and Mr. T. I. Nagao as interpreter. In all, 80 witnesses were examined, which number included the several claimants, the Chief of Police and other civic officials, the architect who had prepared the estimate of damages to property, those who had assisted in this work, and one or two other persons. Each claim was accompanied by a statutory declaration setting forth particulars in regard to the amount, and in the case of actual damages, photographs showing the damage done to the premises of the several claimants were also put in. There were 107 claims in all, 54 being for actual, and 53 for resultant or consequential losses.

The hearing of evidence was concluded on November 5. By the 8th of the month the statement annexed hereto, showing the amounts to which, in my opinion, the several claimants were entitled, had been prepared, and on the same day, I informed Your Excellency in Council, through the Honourable the Secretary of State, of the total losses as estimated as a result of the investigation. This sum was fixed at \$9,036, of which \$1,553.58 was on account of actual damages, and the balance on account of resultant losses. The Japanese consulate did not present any account for expenses incurred in preparing estimates of claims, or for the professional services of counsel who appeared before the Commission on behalf of the Japanese government. As the careful preparation of the estimates and claims, and the presence of counsel, greatly facilitated the examination, I was of the opinion that the consulate should be reimbursed the amount expended therefor, and that an allowance should be made on account of legal expenses. I therefore recommended, in the communication to the Honourable the Secretary of State, that in addition to the payment of the above amount, the Japanese consulate should be reimbursed the sum of \$600, expended in the preparation of estimates and claims, and be allowed on account of legal expenses a sum of one thousand dollars. I further recommended that the claimants should be reimbursed the sum of \$189, expended by them in declaring their claims. On November 13, I received a communication by wire, informing me that the several sums as recommended for payment had been approved by Council; and directing me to issue cheques to the several claimants in payment of their losses; also stating that the necessary funds for this purpose had been placed to my credit in the Bank of Montreal at Vancouver. Having made payment of the several claims, I obtained from each of the parties a release in the following form:—

‘KNOW ALL MEN BY THESE PRESENTS, that I,
 of the city of Vancouver, in the district of Burrard, in
 the province of British Columbia, for and in consideration of the sum
 of dollars, to me in hand paid by the government of the
 Dominion of Canada, in full of all claims for damages or otherwise, which
 I have had or might or could have, by reason of injuries to me and to my
 property and business or trade or calling, arising out of riots or disturbances
 in the said city of Vancouver, on or about the 7th day of September, 1907,
 against the said government, or against the government of the said province
 of British Columbia, or against the municipal corporation of the said city of
 Vancouver, or against any other corporate body or person or persons whereso-

7-8 EDWARD VII., A. 1908

ever within the Dominion of Canada, have remised, released and forever discharged, and by these presents do for myself, my heirs, executors, administrators and assigns, remise, release and forever discharge the said governments, the said municipal corporations, and all other bodies corporate and persons whomsoever and their legal representatives, of and from all and all manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, claims and demands whatsoever at law or in equity, which I have had, or now have, or which I or my heirs, executors, administrators or assigns might or could have against the said governments, municipal corporations, bodies corporate or persons, or any of them, by reason or on account of, or in connection with, my said claims for damages above mentioned.

'IN WITNESS WHEREOF I have hereunto set my hand and seal this day of A.D. 1908.'

'Signed, Sealed and Delivered
in the presence of'

The evidence taken before the Commission will illustrate in a sufficiently comprehensive manner the bases on which the amounts allotted to the several claimants were estimated. It is not necessary, therefore, to more than indicate in this report, the nature of the investigation, and the points to which it was necessary to direct special attention. Most of the claims presented appear to have been fair and reasonable. The fact that there is a difference of some \$4,500 between the total amount claimed and the total amount awarded, is to be accounted for by somewhat exorbitant claims made by one or two merchants for alleged losses in business, and more or less excessive claims made by some of the Japanese boarding-house keepers, who claimed indemnity for a time exceeding that for which it appeared reasonable to make an allowance, or who, in hiring guards for the protection of their property during the time of the riot and the days immediately succeeding, failed to exercise reasonable judgment in the amounts they expended on this score. It would appear, however, that the more responsible persons of the Japanese community in Vancouver, and, in particular, the merchant class, fixed with moderation the amount of the loss for which compensation was requested. In individual cases the amounts would indicate that the claimants had in mind an 'amende honorable,' in the nature of some recognition rather than full compensation of actual losses or damages sustained.

At the time of the riot the Japanese consulate in Vancouver took immediate steps to ascertain the extent of the damage, done to the several properties of the Japanese residents in the city. The services of a competent architect were retained to ascertain the actual damage and estimate the consequent loss. The consulate also retained a solicitor to assist in the preparation and declaring of the several claims, and the information thus collected was duly placed before the Commission. The civic authorities of Vancouver did not take any steps to ascertain the amount of the damage occasioned by the riot. With the exception, therefore, of the statement prepared at the instance of the Japanese consulate, there was no guide to the actual losses other than the sworn statement of the several claimants, and the receipts produced by them for expenditures incurred in making good the damage to their property. As receipts were produced in all cases save those in which repairs had not been made at the time

SESSIONAL PAPER No. 74g

the Commission was sitting, there was not the trouble of assessing the losses on this score, which might otherwise have been occasioned. The one difficulty which presented itself was that of estimating the amount to be allowed a tenant, where the owner of the property was a person other than a Japanese resident of the city. In all such cases a careful examination was made of the terms of tenancy and damages were allowed to the extent to which there was reason for believing that the losses incurred would fall upon the Japanese claimant. In the case of the actual damages, the estimate submitted was somewhat in excess of the amount subsequently expended in making repairs. With the preparation of this estimate the several claimants had had nothing to do, and the difference in amount was one which a British subject assessing losses under the circumstances, might have reasonably conceded, in the absence of specific contracts or actual receipts. In estimating the resultant or consequential damages, special regard was had to the evidence of the civic authorities in regard to the nature and effect of the disturbances, as well as to the peculiar circumstances in which the Japanese colony in Vancouver found itself placed in consequence of the unexpected and unprovoked nature of the attack made upon it. In some cases a personal visit was made to the premises and an inspection had of the books of the claimants.

I desire to gratefully acknowledge the assistance given and the many courtesies extended throughout the inquiry and during my stay in Vancouver, by Mr. Morikawa and the members of the Japanese consulate. While Mr. Morikawa took no part in the proceedings before the Commission, he was unsparing in his efforts to facilitate and expedite the inquiry, and but for the careful manner in which he anticipated in many particulars the needs of the Commission, it is certain that the investigation would have been materially prolonged. To Mr. Howard J. Duncan, the able counsel of the Japanese government, the thanks of the Commission are also specially due, both for the care with which he advanced and safeguarded the interests of the several claimants, and for the assistance given in eliciting facts relevant to the subject of the inquiry.

At the conclusion of the inquiry, the following communications in regard to the award of the Canadian government were exchanged between Mr. Morikawa and myself:—

VANCOUVER, B.C., November 15, 1907.

‘DEAR SIR,—On behalf of the Government of Canada, I beg to inclose a cheque for the sum of \$1,600, authorized by Order in Council, and payable to the order of His Imperial Japanese Majesty's Consulate at Vancouver, being an allowance of \$1,000 on account of legal expenses and reimbursement to the amount of \$600 for amounts expended by the Japanese Consulate in the preparation of estimates and claims of losses and damages sustained by the Japanese population in the recent riots in the city of Vancouver and the presentation of these claims before the Royal Commission appointed to inquire into the said losses and damages.

‘The Japanese Consulate at Vancouver has not presented any account for expenses incurred in the preparation of estimates and claims, or for professional services of counsel who appeared before the Commission on behalf of the Japanese government. When, as Commissioner appointed to inquire into the losses and damages sustained by the Japanese population in

7-8 EDWARD VII., A. 1908

SESSIONA

Vancouver, I requested you to kindly let me have a statement of the amounts expended by the Japanese Consulate, you intimated, in reply, that it was not your intention or the desire of the Japanese Consulate to allow a consideration by the Government of Canada of any expenses which the Consulate may have incurred in the preparation and presentation of claims made on behalf of the Japanese population in Vancouver.

'As you are aware, the careful preparation of estimates and claims and the presence of counsel greatly facilitated the inquiry. This of itself, in the opinion of the Dominion Government, is a sufficient reason why all such outlays should be fully met. I have, therefore, to express the hope that on further consideration, you will find it possible to accept the inclosed cheque on account of expenses incurred by the Japanese Consulate in this connection.

'The government has, by Order in Council, also authorized the payment of the sum of \$9,036, on account of losses and damages sustained by the Japanese population in the recent riots, and the reimbursement to claimants of the sum of \$139, expended by them in declaring their claims. Cheques in payment of the amounts due the several claims are at present being made out in accordance with the amount assessed as a result of the inquiry under Royal Commission just concluded. These cheques I hope to be in a position to hand to the several claimants sometime to-morrow.

'I am, dear sir,

'Very respectfully yours,

'Sgd.) W. L. MACKENZIE KING,

'M. KISHIRO MORIKAWA,

'Commissioner.'

'His Imperial Japanese Majesty's Consul,
'Vancouver, B.C.'

'His IMPERIAL JAPANESE MAJESTY'S CONSULATE,

'VANCOUVER, B.C., November 19, 1907.

'Sir,—Permit me on behalf of my government, to thank you for your letter of the 15th instant, inclosing a cheque of \$1,600 as an allowance for expenses, legal and incidental, to my government, in connection with the preparation and investigation of claims by Japanese residents for damages to their property in the unfortunate riot of the 7th September. I also thank you for the notification of the allowance of \$9,036 and costs of declaring claims by the Canadian government for the payment of losses and damages sustained by the Japanese residents in the riot.

'I cannot too strongly express the satisfaction and approval of my government in your award and adjustment of the losses and damages sustained by the Japanese residents here, a feeling, I am sure, shared by every claimant. If I may be permitted to say anything of a personal character, I would assure you that the great skill, unvarying patience and urbanity which marked your conduct of the Commission, has done much to restore the feeling of my countrymen here that the Canadian government and the people of Canada are opposed to every element whose purpose is to defy the ordinary rules of decency in life, and the wider laws which bind nations in friendly accord.

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SESSIONAL PAPER No. 74g

'While appreciating the high and honourable motives which have prompted you and your government to send me the cheque for \$1,600, I regret that it is impossible for my government to accept a reward for protecting the interests and property of the subjects of Japan. This, and this only, is my reason for returning to you the cheque for \$1,600.

'You may assure your government of my grateful acknowledgment of their generous course, a policy which, I am sure, will make for an increase of good feeling between our peoples.

'I have the honour to be, sir,

'Your obedient servant,

'(Sgd.) K. MORIKAWA,

'H. I. Japanese M.'s Consul.

'W. L. MACKENZIE KING, C.M.G.,

'Commissioner,

'Vancouver.'

The friendly sentiments to which the letter of the Japanese Consul herein quoted gives expression were also a feature of the address of Mr. Duncan, the counsel of the Japanese government, at the last session of the Commission. Inasmuch as this report contains little or no mention of the riot, of which the present inquiry was a consequence, or of the light in which the occurrence was viewed by the Japanese and Canadian peoples respectively, it may be fitting to quote, in conclusion, Mr. Duncan's remarks and what was said in reply. Japan and Canada will gladly forget an incident so sincerely deprecated by the peoples of both countries; they will cherish, however, the many expressions of reciprocal good-will of which the incident furnished the occasion.

Mr. Duncan said:—

'Mr. Commissioner, on behalf of the Government of Japan, as counsel for them, on behalf of the Japanese residents of Vancouver, I beg to thank you for the very cordial, patient, and attentive manner with which you have dealt with the evidence of what must have been to you a very tiresome class of witnesses, by reason of the interpretation of their evidence being necessary, to assure you that those who have been affected by this deplorable riot have the greatest and fullest confidence in the fairness and correctness of the judgment which you will render in this case. It is a matter, also, for congratulation, with the relationship which exists between the British Empire and the Empire of Japan, that this matter has been approached by the subjects of Japan in this city without any manner of feeling, without anything but the greatest consideration for the maintenance of good feeling between themselves and the other residents of this city. Whatever feeling may exist in unhappy matters of this sort, I am advised and instructed by the Japanese residents of this city, that they have no feeling of enmity, no feeling but that of kindness and regard for the people of the city of Vancouver. They look upon this unhappy incident, not as the outcome of racial feeling by the white population of this district against them; they look upon it rather as

7-8 EDWARD VII., A. 1908

SES

the result of agitation by people who have not that regard for the maintenance of good feeling in this country, but who for the purpose of creating a condition, have, inadvisedly, they believe, attempted to create a feeling of antagonism to them. They cannot believe that the sober, self-respecting, honourable man who has been brought up with the glorious privileges and benefits which the educational system of a country such as this gives, of the splendid advantages of the teachings of religion and of principles of honour and truth, that those who have had the beneficent influences of the higher civilization for eighteen hundred years, could wantonly and without provocation, for the exclusive purpose of venting an unholy passion, attack a defenceless and law-abiding people. The teachings of history all tell us that the decadence of a people begins when and so soon as they provoke within their midst a feeling of racial hatred. There is nothing that saps the integrity of a nation, that destroys the beauty and the perfection of civilization such as the persecution of a people because they hold different religious tenets, or because they are sprung from a different race. Because He was born of a different race, He suffered death that all men might live, and if there is any virtue in this great civilization of the western world due to the teachings of the Christian religion, these virtues make for what is known as the brotherhood of man, no matter what race or from what class he may spring. True, we have instances in which warfare plays her part, of where race struggles against race for dominance, but never has it been known where races and peoples are allies and friends and serving each other in the great purpose of the world, that one attempts the growth and development of a feeling of racial hatred.

‘The people of Japan, before western civilization had touched her borders, had their own peculiar civilization of a very high order among the eastern nations of the world, but through the pledges of an Anglo-Saxon people, the British people and the American peoples, they opened their doors that the American and the British subject could come in amongst them, and could teach them this new civilization, this higher life which we boasted we had, and the result was that the Japanese people cast aside their old civilization and began to take upon themselves the civilization of the western world. Millions of money have been subscribed by the British people and by the American people for the purpose, and the exclusive purpose, of sending to the shores of Japan, missionaries of every denomination, church and sect, known to the Christian religion, and it is to the religious teachings of the Christian faith amongst the Japanese people, and the introduction of the arts and sciences of the western world, and the beneficent influences of commerce and contact with the citizen of the United States and Great Britain, that the Japanese have developed within fifty years to be one of the first powers of the earth. And I say it speaks well for western civilization, it speaks well for the British Empire and the American people, that they found a people like the Japanese who were capable of taking upon themselves the responsibilities which we of this western world practically forced upon their attention. And from instances within our own recollection, the Japanese have shown not only in the arts of peace, in the capacity of their men’s

SESSIONAL PAPER No. 749

intellect, but in the still more glorious—or deemed more glorious—work, they have shown themselves to be capable defenders of their honour and their country. In the recent struggle between Japan and Russia, so great, so wonderful was their equipment, was the effectiveness of their general military system, and of their naval tactics, that the world which had before then looked upon them askance and with doubt, are to-day their strongest and most determined admirers. But referring to the softer side of their natures, we know that during the trouble we had in South Africa, when day after day reports came that our army was in trouble and distress, the Japanese residents of this city voluntarily took up a subscription amongst themselves, exclusively to lend aid and assistance to the Canadian volunteers who went forth from this Dominion to assist the mother country in her great struggle for supremacy on the continent of Africa. In every feature of a public character in this city they have upon all occasions shown themselves anxious to play their little part, and play it honourably, to assist in any project which was gotten up for the benefit of this city.

‘These remarks are forced upon me in considering the question of the security the Japanese residents of this city felt on the deplorable night of the 7th of September. There can be no question that in their district, with their wives and children about them, plying their callings in the ordinary and usual way, relying upon the good sense of the people of the city, and the security which that good sense meant to them, there can be no doubt that they were lulled practically into what has turned out to be a false position. But far be it from the local Japanese to lay any blame upon the city council or upon the citizens of Vancouver, because they feel that neither the government of this city, nor the people of this city are imbued with any feeling of hatred against them. But the fact remains they felt they were secure, and they felt they were secure because they knew they were under the law of our country, because they knew, from fifty years of experience as a nation, that if there is one thing that British government stands for, it is the protection of life and of property, and for the principle that a man who does no wrong against the laws of the country, is protected under the British flag.

‘The Japanese residents of this city now feel secure under the protection of the British flag, and they, through me, appeal to the better nature and to the good sense of the people of this city to ensure to them what they believe, namely, that there is no feeling of hatred or of malice among the people of this city against them. And I am sure, as a British subject, that the people of this city are not going to permit any other feeling than a feeling of respect and regard for the Japanese people, so long as they observe the laws of this country, and behave themselves as good and respected citizens.

‘It is a matter of small consequence to the Japanese residents of this city, this matter of damages. It is a matter of considerable consequence and considerable importance to them that their national pride, the same pride that a British subject feels because he is a British subject, should be injured or affected. The love of country is one of the strongest and noblest passions that can move a mortal. And the man who derides or sneers at anyone because of his pride of the country of his birth, is a man who, whatever excellent

7-8 EDWARD VII., A. 1908

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training he may have had, or whatever fine intellectual accomplishments he may have attained, is wanting in the highest and noblest attribute that goes to the making up of the full stature of a man. And I say if there is one thing that is a burning passion with the Japanese people, it is a passion of loyalty for their country. As a people they have shown themselves to be willing to make any sacrifice, yea, sacrificing themselves even unto death, to uphold the standard and the place of their country among the nations of the world. And therefore, it is well that the people of Vancouver, glorying in the fact that they are British subjects, or the people of the United States, glorying in the fact that they are subjects of the United States, should accord to other peoples the same measure of national pride that they feel themselves for their own country.

'The next features that I shall dwell upon, and I shall be brief, are the features with reference to the claims which have been put in for adjustment before this Commission. I think, sir, you will agree with me, although I am counsel for protecting the interests of these various claimants, that from the evidence which has been adduced, the nature and character of this attack on the 7th, the extent of damage to the buildings, the subsequent events, fire at the school house, the riot on Sunday evening, and the other events which followed—minor ones—that the Japanese residents had every fear and every cause for fear and alarm for at least a fortnight, if not longer, after this attack. Coming then, to the question of consequential damages, I think it but a correct principle that anything which naturally flows by reason of these deeds of violence, would be properly within the term "consequential damages." I think, sir, that while some of these claimants have only claimed for three days, some for six, one I believe as high as fourteen, that regard must be had to the conditions of each of those individuals, and also to the general feeling which has manifestly controlled the actions and means of these residents. While some may have underestimated their damages, I do not think that any have over-estimated them. It may be that no sufficient evidence of a legal character can be placed before you upon which you could base an award of the full amount claimed by these parties, but I think the demoralization of the trade in the district, of the influence which this period had upon it, can never be recompensed by the claims which have been placed before you.

* * * * *

'In conclusion, I will rest our case with entire confidence in your judgment in the matter, feeling certain that whatever is done will be done on broad, generous principles of right and justice rather than upon technicalities, which, while very obvious in courts of law, are not of such importance in matters which are termed purely of investigation and inquiry. Personally, I thank you for the attention you have given me, and the courtesies extended to me during the sittings of the Commission.'

Replying to Mr. Duncan, I said:

'I will not, perhaps, be accused of going outside the scope of my commission if, before concluding, I would venture to again refer to the genuine regret which has already been so widely expressed of the incident which

SESSIONAL PAPER No. 74g

occurred here, and which has been responsible for the present investigation. A gratifying feature of the investigation has been that it has brought forth from the city officials a voluntary statement, and a unanimous statement, that in their opinion, the attack which was made upon the Japanese and upon the Asiatics generally, on the night of September 7, was unwarranted and unjustifiable and greatly to be deplored. Moreover, it has brought forth the statement, or better, the assurance that the attack in their opinion, was not directed against the Japanese in particular, but was begotten, rather, of the excitement of the moment and occasioned by a feeling of alarm which has grown in certain quarters, in consequence of the increase—of the sudden and large increase—in the number of persons coming to this part from the Orient. The civic officials have been careful to state that in their opinion there was nothing personal in the incident, that for the character of the Japanese they have, I think I am right in saying, nothing but admiration; that the trouble has been entirely one consequent upon an increase in numbers, and has to do with numbers rather than particular peoples or any characteristics of those peoples.

‘Mr. Duncan has stated that the Japanese people are inclined to regard the feeling as the result of agitation of persons who have not had at heart the maintenance of good feeling between Japan and Canada. If, in that remark, Mr. Duncan had reference to the particular incident which occurred on that night, I think he is quite right. Certainly those who were responsible for that unfortunate occurrence could not have had at heart the interests of this country in the matter of the maintenance of good feeling between Japan and ourselves. On the other hand, if the feeling to which reference has been made relates to the feeling which has been engendered here in consequence of a sudden and great increase in the numbers of persons from the Orient, then I am inclined to think that it would hardly be fair to say that the persons who share that feeling are not necessarily or have not necessarily at heart the interests both of this country and of Japan. A feeling against the sudden influx in large numbers of peoples from other parts of the world is one thing, and is quite compatible with a desire to maintain the friendliest relations between the peoples of those countries and ourselves. An expression of opinion, or rather the giving to that feeling expression in the form of an incident such as we have been forced to consider here, is quite a different thing, and the two should be kept distinctly apart.

‘My commission allows me to consider only such losses as are apparent, or as are capable of definite and certain ascertainment. I think Mr. Duncan has well said, that the loss of property occasioned by this riot, is, in the minds of the Japanese people, a small thing in comparison with the injury which may have been done to the pride of the Japanese people in their race and nationality. If these attacks had been directed against the Japanese, because they were Japanese, there might be reason for a feeling of injured pride. When, however, we consider, and the evidence here has gone to show that we are right in so considering, that this attack was not directed against the Japanese personally, but that it was, as I have already said, a matter

7-8 EDWARD VII., A. 1908

begotten of alarm occasioned in consequence of the increased immigration from the Orient generally, the Japanese will, I think, feel, or have reason to feel, that there has not been on the part even of those who took a hand in this deplorable riot, any desire to injure or offend their pride as a people in any way whatever.

‘However, to a proud and sensitive people such as the Japanese, the general expression of regret on the part of the people of Canada for the unfortunate incident which has occurred, will be a more fitting amende for such indignities as they may have suffered, than any money compensation, however considerable it might be.’

All of which is respectfully submitted.

(Sgd.) W. L. MACKENZIE KING,

Commissioner.

Dated at Ottawa the 26th day of June, 1908.

SESSIONAL PAPER No. 74g

APPENDIX.

Statement showing amounts allowed claimants for actual and resultant losses and for declaring claims.

| Claimant. | Address. | Actual. | Resultant. | Declaring Claim. | Total. |
|--|----------------------|----------|------------|------------------|----------|
| | | \$ cts. | \$ cts. | \$ cts. | \$ cts. |
| Okada Kumataro | 201 Powell street.. | 105 51 | 214 00 | 3 00 | 322 51 |
| Japanese Boarding House Union.. | 205 .. | 50 00 | | | 50 00 |
| Niasin Goshi Co. | 205 .. | | 140 00 | 2 00 | 142 00 |
| Canada Kangyo Co. | 205 .. | | 134 00 | 2 00 | 136 00 |
| Tamura Torakichi. | 207 .. | 3 60 | 24 00 | 2 00 | 29 60 |
| Matsumiya Sotojiro. | 213 .. | 1 54 | 122 00 | 2 00 | 125 54 |
| Matsumoto Takematsu. | 235 .. | 9 00 | 126 00 | 3 00 | 138 00 |
| Isomura Hatsutaro | 237 .. | 80 00 | 210 00 | 4 00 | 294 00 |
| Yamashita Hichire | 237 .. | | 105 00 | 2 00 | 107 00 |
| Ikeda Hisajiro. | 245 .. | | 75 00 | 3 00 | 78 00 |
| Asahi Rice Mills Co. | 251 .. | 46 50 | 150 00 | 3 00 | 199 50 |
| Azano Gomey. | 251 .. | | 36 00 | 2 00 | 38 00 |
| Komura Takejiro | 269 .. | 42 25 | 175 00 | 3 00 | 220 25 |
| Matsubayashi Nakataro. | 301 .. | 10 00 | 40 00 | 2 00 | 52 00 |
| Nakagawa Gentaro. | 309 .. | 40 50 | 105 00 | 2 00 | 147 50 |
| Ishikawa Katsuzo | 331 .. | | 75 00 | 3 00 | 78 00 |
| Miyanchi Otokichi. | 333 .. | 22 00 | | | 22 00 |
| Nakazeki Santaro | 333 .. | 13 00 | 50 00 | 2 00 | 65 00 |
| Sekine Yugoro. | 355 .. | 8 70 | 75 00 | 3 00 | 86 70 |
| Yasuhida Kamejiro. | 345 .. | 50 00 | 143 50 | 3 00 | 196 50 |
| Uchida Sentaro. | 359 .. | 10 00 | 50 00 | 2 00 | 62 00 |
| Suga Motaro. | 377 .. | 18 50 | 60 00 | 2 00 | 80 50 |
| Ebata Ishimatsu | 391 .. | 4 50 | 90 00 | 2 00 | 96 50 |
| Saegusa Teinosuke | 361 .. | 38 50 | 30 00 | 2 00 | 70 50 |
| "The Canadian News," (Goro Kabunagi) | 363 .. | 48 55 | 10 00 | 2 00 | 60 55 |
| Ikawa Matsujiro | 423 .. | 7 00 | 15 00 | 2 00 | 24 00 |
| Hajima Chikio. | 427 .. | 26 00 | 40 00 | 2 00 | 68 00 |
| Hatsugoro Suyuki | 432 .. | 33 00 | 20 00 | 2 00 | 55 00 |
| Uchida Kina | 439 & 441 .. | 32 00 | 17 00 | | 49 00 |
| Tomoda Junkichi | 439 .. | | 60 00 | 2 00 | 62 00 |
| Hidehira Sadajiro | 451 .. | 36 00 | 48 00 | 2 00 | 86 00 |
| Hori Junya | 453 .. | 12 00 | 30 00 | 2 00 | 44 00 |
| Morino Eijiro. | 461 .. | 1 00 | 45 00 | 2 00 | 48 00 |
| Yoneda Yoshimatsu | 473 .. | 18 50 | 35 00 | 2 00 | 55 50 |
| Nishimura Kanzaburo | 478 .. | 6 00 | 60 00 | 2 00 | 68 00 |
| Shiroyama Ichitaro | 527 .. | 3 75 | 42 00 | 2 00 | 47 75 |
| Kawasaki Yasuke. | 515 .. | 20 55 | 100 00 | 2 00 | 122 55 |
| Japan, Canada Trust Saving Co. | 388 .. | 53 00 | | | 53 00 |
| Sonoda Otomatsu | 336 .. | 10 50 | 10 00 | | 20 50 |
| Taniguchi Kumataro. | 270 .. | 5 50 | 50 00 | 2 00 | 57 50 |
| Mrs. Shimomura | 266 .. | 2 70 | | | 2 70 |
| Nayegawa Tomekichi | 264 .. | 30 00 | 50 00 | 2 00 | 82 00 |
| Hayashi Genya | 236 .. | 4 60 | 90 60 | 3 00 | 97 60 |
| Kato Tomekichi | 230 .. | 7 00 | 375 75 | 4 00 | 386 75 |
| Nishimura Masuya. | 130 .. | 81 50 | 412 50 | 5 00 | 499 00 |
| Ikeda Tonakichi. | 126 .. | 44 00 | 412 50 | 5 00 | 461 50 |
| Nishimura Genjiu. | 122 .. | 37 70 | 135 00 | 3 00 | 195 70 |
| Nishimura Sakutaro. | 56 .. | 12 00 | 30 00 | 2 00 | 44 00 |
| Kihara Jutaro. | 332 Westminster av | 12 00 | 39 80 | | 51 80 |
| Tanaka Torashiro. | 235 .. | 57 75 | 115 35 | 7 00 | 180 10 |
| Okawara Moichi. | 229 .. | 51 30 | 170 00 | 3 00 | 224 30 |
| Tanabe Yoichi. | 223 .. | 23 00 | 160 00 | 4 00 | 187 00 |
| Japanese General Contract Co. | 225 .. | 11 00 | | | 11 00 |
| Hayakawa Ichiro. | 232 .. | 30 00 | | | 30 00 |
| Kawasaki Utakichi | 202 .. | 235 10 | 2,240 00 | 10 00 | 2,480 10 |
| Natsuba Kikumatsu. | 151 E. Cordova st. | 9 60 | 200 00 | 4 00 | 213 60 |
| Sato Mohei. | 77 Market alley .. | 3 25 | 150 00 | 3 00 | 156 25 |
| Ito Rikutaro. | 107 Dupont st. | 1 60 | 60 00 | 2 00 | 63 60 |
| Tanaka Sadakichi. | 22 Pender st. | | 40 00 | 2 00 | 42 00 |
| Japanese School | 439 Alexandra st. .. | 7 00 | | | 7 00 |
| | | 1,523 60 | 7,512 40 | 139 00 | 9,175 00 |

APPENDIX—*Continued.*

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| Total amount allowed claimants on account of actual and resultant losses, and amounts expended in declaring claims. | \$9,175 |
| Amount expended in declaring claims. | 139 |
| | <hr/> |
| Total amount allowed on account of actual and resultant losses. | \$9,036 |